

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL NO. 1:13-cr-89-KS-MTP

WILLIAM W. WALKER

DEFENDANT

ORDER

THIS CAUSE CAME ON FOR HEARING on February 5, 2018, on Motion Ore Tenus made by William W. Walker (“Movant”) wherein he requested the Court to reduce the monthly amount ordered to be paid by him for criminal monetary penalties. After hearing testimony and considering the record in this case the Court finds as follows, to wit:

That on June 19, 2014, Judgment [104] was entered by this Court sentencing Movant to a period of incarceration of 60 months followed by three years of supervised release, restitution in the amount of \$572,689.14 and a \$125,000.00 fine; and

That the Movant successfully completed his period of incarceration and has been on Supervised Release approximately two months; and

That during his period of incarceration Movant paid the approximate amount of \$50.00 per month toward his Court ordered financial obligations, and since his release from prison has paid a total of less than \$2000.00 toward set obligations; and

That evidence reveals that the Movant has a fixed monthly income of \$8799.68 derived from retirement and Social Security benefits, and that his spouse has a monthly income in the amount of \$7403.92 derived from Social Security and retirement benefits; and

That Movant presented an itemization of financial obligations showing monthly expenses for himself and his wife in the amount of \$15,159.50; and

That no explanation was given as to why payments were not made toward the restitution and other obligations during the period of incarceration; and

That the proof shows that there have been reductions of certain fixed expenses that were listed in the Presentence Report since the time of sentencing including that a second home had been sold and payments were no longer due for same; and

That the proof further showed that retirement accounts and an annuity have been sold or cashed by Movant and no explanation was given for the use of the funds other than to say they were used to pay attorneys' fees; and

No accounting was furnished showing that the Movant has made any significant effort to adjust his lifestyle to provide for payment of the Court ordered monetary sanctions and that the amount of income Movant has exceeds the Court ordered monetary sanctions by \$3799.68 per month; and

That the Court finds that the request to lower the monthly payment should at this time be DENIED; and

That the Court finds that there should be a modification of the Order however, to provide that the payments made by Movant should first be paid toward the fine until such time that the fine amount is paid and payments following the payment of the fine should then be paid toward the Restitution.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested relief sought in the Motion be, and the same is, hereby DENIED.

IT IS FURTHER ORDERED that future payments made by William W. Walker shall be first applied toward his fine until such time the fine is paid in full. Following said payment of the fine in full, future payments should be paid toward the Restitution.

SO ORDERED this the 8th day of February, 2018.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE